

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

-vs-

Case No. 08-CR-258

JESUS S. NUNEZ,

Defendant.

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**DECISION AND ORDER**

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The defendant, Jesus Nunez, filed a motion for the return of property under Federal Rule of Criminal Procedure 41(g). Postjudgment motions under Rule 41(g) are civil actions subject to the Prison Litigation Reform Act. *United States v. Stevens*, 500 F.3d 625, 628 (7th Cir. 2007). To proceed with such an action, Nunez must file a separate lawsuit and pay the filing fee (or use the partial payment procedures of the PLRA, 28 U.S.C. § 1915(b)). For now, the Court will **DENY** the motion [ECF No. 38] without prejudice.

Dated at Milwaukee, Wisconsin, this 13th day of August, 2013.

**BY THE COURT:**

  
HON. RUDOLPH T. RANDA  
U.S. District Judge